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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,263	10/17/2003	Yehuda Cern	2147.012USU3	2217
7590	06/29/2007			
Charles N.J. Ruggiero, Esq.			EXAMINER	
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.			GESESSE, TILAHUN	
10th Floor				
One Landmark Square			ART UNIT	PAPER NUMBER
Stamford, CT 06901-2682			2618	
			MAIL DATE	DELIVERY MODE
			06/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/688,263	CERN, YEHUDA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tilahun B. Gesessse	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 June 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1 and 2 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-2 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ . 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 14, 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belsak in view of Fong and further view of Cook et al (US 6,032,020).

Claim 1. Belsak, Jr. teaches a system for communications on a bi- directional medium (column . 1, lines 1-17, abstract, lines 1-13), comprising: a first repeater, a second repeater, a third repeater and a fourth repeater, (column 2, lines 16-30, Col. 1, lines 40-47, See item # 71-76, L1 of Figure 3, Col. 4, lines 39-67, Column 5, lines 10), where a plurality of repeaters are used along a main power line L1 in a power line communications network wherein the first repeater and the second repeater communicate with each other for a transmission from the first repeater to the second repeater, and for a transmission from the second repeater to the first repeater (Column 4, lines 39-51, See Parts 71-76, L1 of Figure 3, Col. 2, lines 16-30), the second repeater and the third repeater communicate with each other for a transmission from the second repeater to the third repeater, and for a transmission from the third repeater to the second repeater (Column 4, lines 46-58, Col. 5, lines 40-75, See items# 71-76, L1 of Figure 3, Col. 2, lines 16-30), and the third repeater and said fourth repeater communicate with each other for a transmission from said third repeater to the fourth repeater, and for a transmission from the fourth repeater to the third repeater (Co. 4, lines 53-63, Column, 5, lines 25, lines 36-39, See item # 71-76, L1 of Figure 3, Col. 2, lines 16-30).

Belsak, Jr. teaches a system for communications on a bi-directional (Column 1, lines 1m17, Abstract, lines 1-13), Belsak, Jr. does not specifically teach the system of using a first band, a second band, a third band, and a fourth band for transmissions in a repeater system. However, in related art, Fong teaches first receiving means for receiving a signal in a first band of frequencies (Column 46, lines 10-12,

abstract, lines 3-6), utilizing a second band of frequencies (Column 46, lines 16-20, Abstract, lines 3-6), receiving a signal in a third band of frequencies (Column 46, lines 21-23, Abstract, lines 3-6), and utilizing a fourth band of frequencies (Column 46, lines 25-27, Abstract, lines 3-6) in a two-way communication system using a power line distribution network as a communication medium (Column 3, lines 16-31, Abstract, lines 13, Column 46, lines 3-6). Therefore, it would have been obvious at the time of the invention to combine the teachings of Belsak, Jr. and Fong in order to improve the performance of transmission and data access functions adapted for use on a power line distribution network by bridging transmission barriers.

Belsak does not expressly teach a wire that is common to said first, second, third and fourth repeaters. However, Cook teaches each of the repeaters coupled a wire that is common to the first , second , third and fourth repeaters (see figure 2, in particular item # 48 cable that connects all repeaters column 3, lines 14-42 ). It would have been obvious to couple a wire that is common to the first , second , third and fourth repeaters, as taught by Cook, for elimination the costly of wiring and time –consuming , and intrusive retrofitting of cable with its attendant expense (See column 8, lines 39-41).

Consider Claim 2, in regards to claim 1 above. Belsak, Jr., as modifies by Fong, teaches the system wherein said medium is a power line (Col. 1, lines 7-10, lines 1-17, Abstract, lines 1-13).

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

June 18, 2007



TILAHUN GESESS  
PRIMARY EXAMINER